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Signature: /Gary R. Fabian/ Reg. No. 33,875

Date: 19 October 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: FEREIRA, Pamela, et al.

Confirmation No.: 7505

Serial No.: 10/815,169

Art Unit: 1615

Filing Date: 31 March 2004

Examiner: Al-Awadi, D.J.

Title: OSMOTIC DELIVERY SYSTEM AND METHOD FOR DECREASING START-UP TIMES FOR OSMOTIC DELIVERY SYSTEMS

RESPONSE AND AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office action in the above-referenced application, mailed 27 April 2010. The response date, with three-month extension, falls on Wednesday, 27 October 2010. A three-month extension of time to respond is requested, and an authorization for payment of the fee accompanies this response in the Petition for Extension of Time. No additional fee is believed due; however, the Commissioner is hereby authorized to charge to Deposit Account No. **504212** any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, with the exception of the payment of the issue fee. Reconsideration of the application in view of the following amendments and remarks is respectfully requested.

Introductory Comments

I. Summary of the Office Action

In the Office action, mailed 27 April 2010, the Examiner rejected claims 1, 8-10, and 12 under 35 U.S.C. §102(b) asserting that the claims are anticipated by Dionne, et al., U.S. Patent No. 6,132,420.

The Examiner rejected claims 3-7, 11, and 13-15 under 35 U.S.C. §103(a) asserting that the claims are unpatentable over Dionne, et al., U.S. Patent No. 6,132,420.

These rejections are believed to be overcome in part by the amendments and are otherwise traversed for reasons discussed below.

II. Overview of the Amendments to the Claims

Claims 1, 3-16, and 18-31 are pending in the application, and claims 16 and 18-31 are withdrawn from consideration. Claims 1, 15, and 16 are amended without prejudice or disclaimer. Claims 5-11, 20-26, and 30-31 are canceled without prejudice or disclaimer. Amendment or cancellation of these claims is not intended to be an acquiescence to the Office's assessment of those claims in the Office action, mailed 27 April 2010, and Applicants expressly reserve the right to bring the subject matter of the original claims again in a subsequent, related application. After entry of this amendment, claims 1, 3, 4, 12-16, 18-19, and 27-29 are pending, with claims 16, 18-19, and 27-29 currently withdrawn from consideration.

The amendments to the claims are presented herein below (after the signature page) in the section titled "Amendments to the Claims."

Support for the amendments to claim 1 can be found throughout the specification, for example, at the following locations: originally presented claim 11; ¶0009; ¶¶0025-0027; ¶0046-0047; and ¶0055.

Support for the amendments to claim 15 can be found throughout the specification, for example, at the following locations: ¶0009; ¶¶0025-0027; ¶0046-0047; and ¶0055.

Support for the amendments to claim 16 can be found throughout the specification, for example, at the following locations: originally presented claim 26; ¶0009; ¶0013; ¶¶0025-0027; ¶0046-0047; and ¶0055.

Accordingly, no new matter is added by way of this amendment and the entry thereof is respectfully requested.